

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO

NO. 17-BK-3283 (LTS)

Re: ECF No. 2697

As representative of

PROMESA TITLE III

THE COMMONWEALTH OF PUERTO RICO,
et al.,
Debtors.

**MOTION IN COMPLIANCE WITH ORDER OF MARCH 9TH, 2018 AND REQUEST
FOR AN EXTENSION OF TIME**

To the Honorable United States District Court Judge Laura Taylor Swain:

NOW COME plaintiffs' certified class in cases 02-1179 (GAG) Gladys García Rubiera, et al. v. Hon. Luis G. Fortuño, et al; and Gladys García Rubiera, et al, v. Asociación de Suscripción Conjunta, et al, Civil Number K DP2001-1441 (801), represented by the undersigned counsel and respectfully prays as follow:

1. The subscribing counsel has received an Order dated March 9, 2018 on this day, March 12th of 2018 around 4:30pm. We have also received an email from the attorney of the Commonwealth, Claudia A. Juan García, Esq., inviting counsel to confer as per Order of the Honorable Court.
2. Unfortunately, counsel for the plaintiff, Antonio J. Amadeo Murga, is departing to Tampa, FL at 10:36am to celebrate his 82nd birthday with his sons who live there. Flight information is attached. A telephone meeting is being tried to be arranged between counsel for the parties for tomorrow from 4:00pm to 6:00pm.

3. On the other hand, counsel Mr. Mario Oronoz is leaving to Spain on March 14th, 2018 and will return on April 2nd, 2018.
4. Therefore, it is the request of plaintiff that the term to file Supplemental Brief for the four (4) points Ordered by this Honorable Court, be extended from March 16th to March 23rd by 5:00pm (AST), and that the March 23rd deadline be extended to March 28th.
5. Subscribing counsel Antonio J. Amadeo Murga cannot responsibly comply with the Order of the Honorable Court by March 16th, without upsetting and cancel traveling plans and family activities previously programmed. Neither co-counsel Mr. Mario Oronoz would be available, as we stated on paragraph three (3).
6. Nevertheless, subject to the above, we are in a position to advance the following information as to the four (4) points contained in the Order:

(i) whether and to what extent the Commonwealth has “established and complied with” a constitutionally sufficient notice and reimbursement procedure consistent with the 2013 First Circuit decision, *Garcia-Ruberia v. Fortuno*, 772 F.3d 102 (1st Cir. 2013);

The Commonwealth has not complied with the constitutional sufficient notice of reimbursement procedures consistent with the 2013 First Circuit Court decision. Although, a constitutionally sufficient notice was agreed in civil case K DP2001-1441(801), the Commonwealth has not complied with the procedure agreed therein. Partly because of the stay granted under PROMESA.

(ii) whether and to what extent there remain potential refund monies that have neither been claimed nor escheated pursuant to Act 230;

There remain potential refund monies that neither have been claimed due to the

lack of notice nor escheated pursuant to Act 230. The parties agreed that all reimbursements due from 1998 to 2010 could be claimed and have not been escheated. See Stipulation in case 02-1179 (GAG) Gladys García Rubiera, et al. v. Hon. Luis G. Fortuño, et al, dated February 28, 2016. See also García Rubiera v. Fortuño, 727 F 3d. 102, 105 (2013).

(iii) whether any such funds have been held apart from the Commonwealth's General Fund for application to liabilities under the class settlement;

During the negotiations that led to the Stipulation and Judgment, the attorneys for the Commonwealth represented that the funds were segregated for accounting purposes.

(iv) whether partial relief from stay to permit the parties to seek determinations from the district court on any or all of these issues is appropriate.

In our opinion, there is no need to seek a determination from the District Court in any of the issues. Nevertheless, if the Honorable Court considers that any matter should be clarified by the District Court, we would have no objection.

WHEREFORE it is that we respectfully request from the Honorable Court that this Honorable Court may EXTEND the deadline from March 16th, 2018 5:00pm (AST) to March 23th, 2018 5:00pm (AST) to comply with the Supplemental Brief and declarations of plaintiffs on the four (4) issues Ordered by the Honorable Court and EXTEND to March 28th, 2018 the Supplemental Simultaneous Replies.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I hereby certify that, on March 12th, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and parties in the Master Service List.

In San Juan, Puerto Rico, March 12th, 2018.

s/ Antonio J. Amadeo Murga
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